

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RONALD JAMES HAMILTON,	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO. 4:15-cv-01996
	§	DEATH PENALTY CASE
BOBBY LUMPKIN,	§	
Director, Texas Department of	§	
Criminal Justice, Correctional	§	
Institutions Division,	§	
Respondent.	§	

**RESPONDENT LUMPKIN'S RESPONSE TO PETITIONER
HAMILTON'S MOTION TO AMEND WITH BRIEF IN SUPPORT**

This is a federal habeas proceeding brought by Ronald James Hamilton. The Court recently reopened the case following a stay to allow Hamilton to exhaust his state court remedies with respect to claims raised in his original petition. ECF No. 47. On April 26, 2021, Hamilton filed a motion to amend and an amended petition. ECF Nos. 50 & 51. The Director understands Hamilton's motion to assert that he wishes to supplement claim 4 in the original petition (now claim 1 in the amended petition) with new legal argument and new evidence related to the subsequent state habeas proceedings. *Id.* at 1–2.

Prior to Hamilton filing his motion to amend, the Director and Hamilton conferred, and the Director advised Hamilton that he would be unable to assent to the amendment without first seeing the proposed changes. Having now reviewed the amended petition, the Director does not oppose amendment

under Federal Rule of Civil Procedure 15. However, the Director's non-opposition extends only to the relief asserted in Hamilton's motion, amending claim 4 of the original petition (claim 1 of the amended petition) with additional legal argument and evidence related to the subsequent state habeas proceeding. ECF No. 51 at 1.

The Director notes that this non-opposition is not an explicit nor implicit waiver of any defense, nor is it an agreement that any claims within the original or amended petition were filed within the applicable limitations period, that any evidence attached to the original or amended petition is properly before the Court, that claims within the original or amended petition are not unexhausted and defaulted or not otherwise barred, or that the original or amended petition is not second or successive. The Director reserves the right to raise any defense or argument, including but not limited to those described in Rule 5 of the Rules Governing Section 2254 Cases, or those found in 28 U.S.C. §§ 2241, 2244, 2254, with respect to the original or amended petition and any claim or evidence attached or raised therein. The Director believes such arguments are appropriately raised and briefed in his answer.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

I do hereby certify that on May 6th, 2021, I electronically filed the foregoing pleading with the Clerk of the Court for the United States District Court, Southern District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a “Notice of Electronic Filing” to the following attorneys of record, who consented in writing to accept this Notice as service of this document by electronic means:

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